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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,243

09/24/2003

Chang Cho

8139

7590

05/09/2006

STEPHEN E. FELDMAN, P.C.

12 East 41st Street

New York, NY 10017

EXAMINER

TOMPKINS, ALISSA JILL

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/671,243	Applicant(s) CHO, CHANG	
	Examiner Alissa J. Tompkins	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's amendment filed on 10/27/05 has been received. Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-9,10,12-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulghum (U.S.P. 4,993,081). The patent to Fulghum discloses a headpiece assembly comprising a visor portion including a visor 12, Figs. 1, 4 connected to a hatband 14, the hatband having an uninterrupted outer surface and an inner surface, a first portion 16 of a continuous fastening mechanism being positioned on the inner surface and concealed from view by the outer surface of the hatband; a crown portion "CH" having a generally domed shape defining a top and a lower edge, a second portion of the continuous fastening mechanism 18, Fig. 3 being positioned on the lower edge of the crown portion, the first portion being suitably positioned on the inner surface of the hatband such that when the first portion and the second portion are

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connected, the outer surface of the hatband conceals the continuous fastening mechanism (see Fig. 1).

Claims 1,4,5,7,8,11,12,14-16,19, and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Pu (U.S.P. 6,484,323). The patent to Pu discloses a headpiece assembly comprising a visor portion including a visor 11, Fig. 6A connected to a hatband 17', the hatband having an uninterrupted outer surface and an inner surface, a first portion 14' of a continuous fastening mechanism being positioned on the inner surface and concealed from view by the outer surface of the hatband; a crown portion 12 having a generally domed shape defining a top and a lower edge, a second portion 14 " of the continuous fastening mechanism being positioned on the lower edge of the crown portion, the first portion being suitably positioned on the inner surface of the hatband such that when the first portion and the second portion are connected, the outer surface of the hatband conceals the continuous fastening mechanism. The fastening mechanism is a zipper.

Response to Arguments

Applicant's arguments filed 10/27/05 have been fully considered but they are not persuasive.

Applicant submits that Fulghum and Pu do not disclose a sweatband portion that runs the length of an inner surface of the hatband, has a lower edge attached to the lower edge of a hatband, and has a free upper edge positioned below an upper edge of a fastening mechanism. The device of Fulghum shows a visor 12, Figures 1 and 4 connected to a hatband 14. The hatband has an uninterrupted outer surface and an inner surface, wherein a first portion 16 of a continuous fastening mechanism is positioned on the inner surface and concealed from view by the outer surface of the hatband. Fulghum also shows a headband B and D in figures 2 and 7. The headband runs the length of the inner surface of the hatband. Figure 8 shows the headband D attached to the hatband at its lower edge, leaving the upper portion as a free edge. The terms sweatband and headband are synonymous in the art. The function of the device is to absorb perspiration it would inherently be made from an absorbent material. The structure of Fulghum meets all of the claim limitations presented by the applicant.

Pu discloses a headpiece assembly comprising a visor portion including a visor 11, Figure 6a connected to a hatband 17'. The hatband has an uninterrupted outer surface and an inner surface, a first portion 14' of a continuous fastening mechanism being positioned on the inner surface and concealed from view by the outer surface of the hatband. Figures 6a and 6b show headband 20" joined with the peripheral brim 11. The headband attaches to the lower area of the hatband 17', and runs along its inner surface. The terms sweatband and headband are synonymous in the art. The function of the device is to absorb perspiration, and it would inherently be made from an absorbent material. Moreover, the device of Bruder is capable of performing in the

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manner recited by the applicant and is therefore interpreted to meet the limitations in the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa J. Tompkins whose telephone number is 571-272- 3425. The examiner can normally be reached on M-F 830-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alissa Tompkins
Patent Examiner
Art Unit 3765
May 3, 2006

AJT


JOHN S. CALVERT
SUPERVISORY PATENT EXAMINER
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